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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR 07-0428 MMC
	)	
Plaintiff,	)	EXPARTE JOINT APPLICATION FOR
	)	TRAVEL ORDER, and
vs.	)	<del>PROPOSED</del> ORDER
	)	
CARMEN CHAN and PAUL LEUNG,	)	
	)	
Defendants.	)	
_____	)	

At the initial setting of the bond and Conditions of Pretrial Release in this matter, defendants PAUL LEUNG and CARMEN CHAN requested that they be permitted to travel internationally for business, family and pleasure as a condition of their release. Magistrate James Larson suggested that a stipulation be prepared by the parties setting forth the prospective travel dates and submitted to the court for approval. Defendants submitted the proposed travel itineraries to AUSA Denise Barton and the government objected to defendant Carman Chan's proposed travel request.

On August 14, 2007 by noticed motion Defendants PAUL LEUNG and CARMEN CHAN, husband and wife, sought court approval to travel to the locations listed below on the following dates:

Hong Kong from August 21, 2007 to September 4, 2007

Hong Kong from October 2, 2007 to October 18, 2007

1 Hong Kong from November 13, 2007 to November 30, 2007

2 Japan from December 10, 2007 to December 18, 2007

3 Hong Kong December 29, 2007 to January 21, 2008.

4 At the August 14, 2007 hearing Pretrial Services officer Betty Kim informed the court that  
5 Pretrial Services did not oppose the defendants' request. The court was informed that each defendant  
6 had posted \$100,000 cash deposit with the clerk of the court as a condition of their pretrial release. The  
7 court approved defendants proposed travel schedule.

8 AUSA Denise Barton arrived late for the hearing due to other court matters. The court met with  
9 counsel for both parties in chambers where the court heard and considered the government's objections  
10 regarding the requested travel.

11 The court then modified the initial travel order approving the first trip to Hong Kong from  
12 August 21, 2007 to September 4, 2007 and reserving judgment on the remaining proposed trips  
13 indicating that if the initial travel was completed without incident the court most likely would approve  
14 subsequent travel requests of the parties.

15 Defendants PAUL LEUNG and CARMEN CHAN successfully completed their travel to Hong  
16 Kong from August 21, 2007 to September 4, 2007 and returned without incident. They similarly  
17 successfully completed their second trip to Hong Kong from October 2, 2007 to October 18, 2007.  
18 Defendants also successfully completed their third trip to Hong Kong from November 15, 2007 to  
19 December 3, 2007. Defendants also successfully completed a fourth and fifth trip to Hong Kong and  
20 have returned their passports and Hong King identification cards to the Clerk's office. Pretrial services  
21 has been informed of defendant's request for the instant travel order and has no objection to the request.  
22 AUSA Barton has been served with this request and has agreed.

23 As such, the parties HEREBY STIPULATE that defendants be permitted to travel to Hong  
24 Kong July 14, 2008 to July 30, 2008.

25 SO STIPULATED.

26 DATED: July 7, 2008

27 /s/ Denise Marie Barton  
28 Counsel for the Government

/s/Garrick S. Lew  
Counsel for Defendant Chan

/s/Matthew A. Siroka  
Counsel for Defendant Leung


ORDER

Good cause appearing;

IT IS HEREBY ORDERED that defendants PAUL LEUNG and CARMEN CHAN, husband and wife, be permitted to travel to Hong Kong from July 14, 2008 to July 30, 2008.

IT IS FURTHER ORDERED that the Clerk of the Court return the passports of PAUL LEUNG and CARMEN CHAN to each defendant prior to the departure date of July 14, 2008 and that both defendants redeposit their passports with the Clerk of the Court no later than August 4, 2008.

DATED: July 8, 2008

  
The Honorable James Larson  
United States Magistrate Judge